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PATENT

Atty. Docket No. 31045-99

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Jeff Beno

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ALBERT J. SILVERA, ET AL.

Serial No.: 10/698,797

Filed: October 30, 2003

For: THONG-TYPE SHOE HAVING A HEEL
AND A LAYERED SOLE

Group Art Unit: 3728

Examiner: To be assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.99, Applicants bring to the attention of the Examiner the references identified on the attached form PTO/SB/08B which the Examiner may consider to be material to examination of the subject application.

Copies of the references are submitted herewith along with Form PTO/SB/08B. Applicants respectfully request that the Examiner consider the enclosed references and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the enclosed documents constitute "prior art". Applicants reserve the right to present to the Patent and Trademark Office relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the enclosed references, should one or more of the references be applied against the claims of the present application.

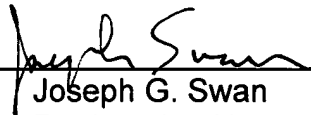
As this submission is being made prior to the first Office Action on the merits, it is believed that no fees are due in connection herewith. If there are any additional fees due in connection with the filing of this paper that have not been accounted for in this paper or in the accompanying papers, please charge the fees to Deposit Account No. 13-3735. If an extension of time under 37 C.F.R. §1.136 is required for the filing of this paper and is not accounted for in this paper or the accompanying papers, such an extension is requested and the fee (or any underpayment thereof) should also be charged to the Deposit Account. A duplicate copy of this page is enclosed for that purpose.

Respectfully submitted,

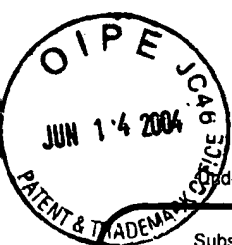
MITCHELL, SILBERBERG & KNUPP LLP

Dated: June 11, 2004

By


Joseph G. Swan
Registration No. 41,338

MITCHELL, SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, California 90064
Telephone: (310) 312-2000
Facsimile: (310) 312-3100



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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/698,797
Filing Date	October 30, 2003
First Named Inventor	Albert J. Silvera
Art Unit	3728
Examiner Name	To be assigned
Attorney Docket Number	31045-99

Sheet

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of

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NON PATENT LITERATURE DOCUMENTSExaminer
Initials*Cite
No.¹

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

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Three photographs showing three different views of a SIGERSON MORRISON shoe, also indicating the name VIBRAM, sold prior to the present invention.

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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